

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: BSC@dgs.ca.gov

RECEIVED

2006 NOV -7 PM 12:09

CALIFORNIA
STANDARD COMMISSION

Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 26, 2006
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: NOVEMBER 9, 2006

Date: November 1, 2006

From:

James O. Abrams
Name (Print or type)

James O. Abrams
(Signature)

California Hotel & Lodging Association

Agency, jurisdiction, chapter, company, association, individual, etc.

414 29th Street
Street

Sacramento
City

CA
State

95816-3211
Zip

I/We **do not** agree with:

[X] The Agency proposed modifications As Submitted on Section No. ¹⁰907.9.1.3 (DSA/AC)

and request that this section or reference provision be recommended:

[] Approved [] Disapproved [] Held for Further Study [X] Approved as Amended

by the California Building Standards Commission.

Suggested Revisions to the Text of the Regulations:

The California Hotel & Lodging Association suggests amending the quoted language set forth under "Reason," below, to read as follows (deletions and additions indicated below are to the new 15-day language):

For DSA/AC] ~~In addition to these requirements, see Chapter 11B Section 1111B.4.5, Table 11B-3, and Table 11B-4 set forth the requirements for visible and audible alarms in Group R Occupancies; those requirements are separate from, and not cumulative of, the requirements set forth in this table.~~

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

The 15-day language proposes to add the following sentence at the end of Table 907.9.1.3 – Visible and Audible Alarms, which is set forth in Section 907.9.1.3:

[For DSA/AC] In addition to these requirements, see Chapter 11B Section 1111B.4.5, Table 11B-3, and Table 11B-4.

The use of the words "In addition to these requirements" implies that the requirements for visible and audible alarms set forth in Tables 11B-3 and 11B-4 are applicable **over and above** the requirements of Table 907.9.1.3. In other words, a reasonable person reading the proposed new language quoted above would fairly infer that the building in question must provide the number of visible/audible alarms in Table 907.9.1.3 **plus** the number of visible/audible alarms specified in Tables 11B-3 and/or 11B-4. This will result in far more visible/audible alarms being provided than intended.

For this reason, and based on the criteria of health and Safety Code Section 18930(a) highlighted below (and particularly criterion (a)(6)), the California Hotel & Lodging Association suggests that the proposed new 15-day language be amended as set forth above.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

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- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
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